

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEJANDRO VELASQUEZ MENDOZA,

Plaintiff,

v.

MICKEY ALVIS, *et al.*,

Defendants.

Case No. C22-924-TL-SKV

ORDER DIRECTING PLAINTIFF TO
PROVIDE STATUS UPDATE AND
CURRENT ADDRESS

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff filed this action on July 1, 2022, while he was confined at the Washington State Penitentiary (“WSP”) in Walla Walla, Washington. *See* Dkt. 1. On May 11, 2023, the Court received notification that Plaintiff had been transferred to the Monroe Correctional Complex (“MCC”) when mail directed to him at WSP by Defendants was returned as undeliverable. *See* Dkt. 30. Plaintiff at no time advised the Court of this change of address as required by Local Civil Rule (“LCR”) 10(f). On July 6, 2023, Plaintiff submitted a notice of change of address in which he advised that he was then being housed at the Washington Corrections Center (“WCC”). *See* Dkt. 34. Plaintiff’s last contact with the Court was on July 31, 2023, at which time he was still confined at WCC. *See* Dkts. 40-41.

ORDER DIRECTING PLAINTIFF
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1 On September 18, 2023, the Court received notification that Plaintiff was no longer in
2 prison and had been released to community custody, when mail directed to him at WCC by
3 Defendants was returned as undeliverable. *See* Dkt. 45. The following day, Defendants' counsel
4 apprised the Court that he contacted Plaintiff's community corrections officer ("CCO") after
5 receiving the notifications regarding Plaintiff's release and was advised that Plaintiff, having
6 failed to satisfy the conditions of his release, was classified as "absconded" effective September
7 12, 2023, and a Washington Department of Corrections ("DOC") Secretary's warrant had been
8 issued for his arrest. Dkt. 47, ¶ 5.

9 On December 21, 2023, Defendants filed a motion for summary judgment which was
10 noted for consideration on January 19, 2024. *See* Dkts. 49-51. In a declaration submitted in
11 support of Defendants' motion, Defendants' counsel advised that as of December 20, 2023,
12 Plaintiff remained subject to the DOC Secretary's warrant. Dkt. 50, ¶ 6. Counsel further advised
13 that he was in possession of a letter from Plaintiff dated September 13, 2023, and addressed to
14 Defendants' former counsel of record, that provided an address in Vancouver, Washington. *See*
15 *id.* Counsel represented to the Court that he mailed copies of Defendants' summary judgment
16 motion and supporting documents to Plaintiff at the address provided in the letter. *Id.*

17 Plaintiff has at not filed a change of address notice since his release from custody, nor has
18 he filed any response to Defendants' summary judgment motion. It is unclear at this juncture
19 whether Plaintiff ever received Defendants' motion papers or, indeed, whether he even wishes to
20 pursue this action at this juncture. The Court is reluctant to proceed to disposition of
21 Defendants' summary judgment motion without providing Plaintiff an opportunity to clarify the
22 record.

23 Accordingly, the Court hereby ORDERS as follows:

ORDER DIRECTING PLAINTIFF
TO PROVIDE STATUS UPDATE
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(3) The Clerk is directed to send copies of this Order to Plaintiff at his address of record and at the address provided by Defendants in the certificate of service attached to their summary judgment motion (*see* Dkt. 49 at 8). The Clerk is further directed to send copies of this Order to counsel for Defendants and to the Honorable Tana Lin.

Shate Vaughan

S. KATE VAUGHAN
United States Magistrate Judge